

### **REMARKS**

No claims have been amended. Accordingly, claims 62-69, and 76-83 are currently pending.

### **RESPONSE TO NON-COMPLIANT ASSERTION**

In the Notice of Non-Compliant Amendment mailed February 8, 2005, the Examiner indicated that the amendment document filed on November 15, 2004 is considered non-compliant because each claim has not been provided with the proper status identifier. More specifically, that the status identifiers for claims 77-83 should be labeled as "Previously Presented." In response, Applicant has changed the status identifiers for claims 77-83 to "Previously Presented." Applicant believes that this change overcomes the non-compliance asserted with respect to the previously filed amendment document.

### **RESTATED RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Restriction Requirement mailed July 13, 2004, Applicant confirms its previous election, without traverse, of species II (claims 62, 65-69, and 76) and further elects sub-species I (claim 65).

Applicant previously added claims 77-83, which are identical to previously presented claims 63-69, in their originally presented form. Applicant submits that claims 77-83 are readable on the elected species. Accordingly, Applicant believes that claims 62, 65-69, and 76-83 are readable upon the elected species, and that claims 62, 65, 67, 76, and 77-83 are readable upon the elected sub-species.

In the Restriction Requirement, the Examiner indicated that claims 62, 67, and 76 appear to be generic. Claims 77-83 are dependent upon claim 62. Accordingly, Applicant anticipates that the Examiner currently will examine claims 62, 65, 67, and 76-83 in conjunction with the present application. With respect to sub-species claims II, III, and IV (claims 66, 68, 69, respectively), Applicant anticipates that these claims will be examined in conjunction with the present application when one or more of claims 62, 67, and 76 are held to be allowable.

This election is made without traverse. However, Applicant respectfully requests that the Examiner voluntarily reconsider the decision to divide the application into species I (claims 63-64) and II (claims 62, 65-69, and 76), and further into sub-species I-IV (claims 65, 66, 68, 69, respectively), as indicated in the Restriction Requirement. It is Applicant's belief that examination of all of these claims may not present an undue burden on the Examiner to search and examine a large number of species. Accordingly, Applicant respectfully requests reconsideration of the Restriction Requirement, and examination of claims 62-69 and 76-83 in conjunction with the present application.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6904 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

WENDELL P. NOBLE JR. ET AL.

By their Representatives,

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Date Mar. 8, 2005 By Daniel J. Kluth  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of March, 2005.

Name

Tina Kohler

Signature

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